

**IDAHO BOARD OF COSMETOLOGY**  
**Bureau of Occupational Licenses**  
700 West State Street, P.O. Box 83720  
Boise, ID 83720-0063

**Conference Call Minutes of 4/2/2018**

**THIS IS A DRAFT DOCUMENT THAT HAS NOT BEEN APPROVED BY THE BOARD**

**BOARD MEMBERS PRESENT:** Debra J Thompson - Chair  
Merrilyn Cleland  
Geneal Thompson  
Linda Swope  
Wendy S Rucker  
Lindy High

**BUREAU STAFF:** Tana Cory, Bureau Chief  
Dawn Hall, Deputy Bureau Chief  
Julie Eavenson, Admin. Support Manager  
Lori Peel, Investigative Unit Manager  
Maurie Ellsworth, General Counsel  
Joan Callahan, Legal Counsel  
Kim Aksamit, Technical Records Specialist II  
Allegra Earl, Technical Records Specialist I  
Cherie Simpson, EO Special Assistant

**OTHERS PRESENT:** Lou Starita

The meeting was called to order at 8:31 AM MDT by Debra J Thompson.

**LEGISLATIVE UPDATE**

Ms. Cory stated that Senate Bill 1324 passed the Senate 35-0, passed the House 68-0, and was signed by the Governor. The new law will go into effect on July 1.

The eyelash extension bill unanimously passed the Senate Commerce and Human Resources Committee. It went to the Senate floor and passed 21-14. The bill was then sent to the House Business committee late in the session and did not get a hearing. It died in the House Business Committee.

## **INTERIM COMMITTEE UPDATE**

Ms. Cory and Mr. Ellsworth updated the Board on the status of legislation that may affect the Board. Senate Bill 1316 would allow respondents to recoup costs in cases where they prevail in disciplinary actions brought by the Board.

Senate Bill 1316 was introduced in the Senate on February 19. Some designated Board members from Boards served by the Bureau met with Senators Burgoyne and Den Hartog on February 26, and the Senators said they would like to see comments or proposed amendments. Suggested amendments/comments were provided to them on February 27. Some of the proposed amendments were put into the bill, and it passed the Senate on March 12 and the House on March 21. The Governor will allow it to into effect (July 1) without his signature.

House Bill 623 would create a central office of hearing officers and repeal and replace the Administrative Procedure Act. It would require appointment of hearing officers earlier in disciplinary cases and require that the case be overseen by a hearing officer. It would change evidentiary standards and the way hearings are conducted, making them more formal. It would eliminate the Board's ability to make or revise findings of fact of the hearing officer and expand the ability of a court to take more evidence and potentially even hold a new trial on a disciplinary case. All of these changes would increase costs of disciplinary proceedings.

House Bill 623 passed the House on March 6 by a vote of 47-23 and was sent to the Senate. Designated members of Boards served by the Bureau were contacted and reviewed the bill. A letter expressing concerns about House Bill 623 was prepared and signed by 28 of the designated Board members. It was addressed and delivered to Senator Patti Ann Lodge, chair of the Senate Judiciary and Rules Committee, on March 12. Copies have been sent to all Board members by email. The bill did not receive a hearing in the Senate.

## **OLD BUSINESS**

### **EXECUTIVE ORDER**

The Board reviewed a rough draft of the Executive Order response and directed Ms. Eavenson and the Board specialist to work with Ms. Cleland to prepare the final draft for review and final approval at the June 4, 2018 meeting.

### **IMPLEMENTATION OF LEGISLATION/RULES**

The Board discussed the passage of Senate Bill 1324 and drafting rules to implement the bill. Ms. Callahan reviewed the main changes with this bill and suggested the Board may wish to create three new subcommittees and designate Board members to serve on those subcommittees. The recommended subcommittees were: 1) School and Crossover Hours between barbering and cosmetology licenses with the Board Chair and Ms. High; 2) Makeup Artist and Retail Thermal Styling Equipment Dealers with Ms. G. Thompson and Ms. Rucker;

and 3) Services Performed Outside a Licensed Establishment and Updated Disinfection and Safety rules with Ms. Swope and Ms. Cleland.

Ms. High made a motion to create three subcommittees: School Hours and Crossover Hours between barbering and cosmetology licenses; Makeup Artists and Retail Thermal Styling Equipment Dealers; and Services Performed Outside a Licensed Establishment and Updated Disinfection and Safety rules. It was seconded by Ms. Cleland. Motion carried.

Ms. High made a motion that if any other issues come up, that the Board Chair can assign them the appropriate subcommittee. It was seconded by Ms. G. Thompson. Motion carried.

## **NEW BUSINESS**

### **NOTIFICATION TO LICENSEES**

The Board discussed sending a letter to licensees letting them know that the bill has passed and the Board is now working on drafting rules. The Board directed the Bureau to work with the Board Chair and Ms. High on the letter.

### **CORRESPONDENCE**

The Board reviewed a letter from Mr. Leon's regarding specific language that the National Accrediting Commission of Cosmetology Arts & Sciences (NACCAS) required regarding graduation and whether NACCSA would be notified about the change in school hours requirements. Ms. Callahan stated that the language in the law has not substantively changed. Ms. Cleland recommended that a letter be sent out letting Mr. Leon's know that they could be part of the subcommittee for School and Crossover Hours.

### **EXECUTIVE SESSION**

Ms. Cleland made a motion that the Board go into executive session under Idaho Code § 74-206(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the Executive Session was to consider license application materials. It was seconded by Ms. Swope. The vote was: Ms. D. Thompson, aye; Ms. Swope, aye; Ms. Cleland, aye; Ms. High, aye; Ms. Rucker, aye; and Ms. G. Thompson, aye. Motion carried.

Ms. G. Thompson made a motion to come out of executive session. It was seconded by Ms. Rucker. The vote was: Ms. D. Thompson, aye; Ms. Swope, aye; Ms. Cleland, aye; Ms. High, aye; Ms. Rucker, aye; and Ms. G. Thompson, aye. Motion carried.

### **APPLICATIONS**

Ms. Cleland made a motion to approve the applications for Chelsea Barnes and Kelli Reyna and issue licenses, and to approve Jenny Radford's application pending receipt of additional information. It was seconded by Ms. Rucker. Motion carried.

## **CORRESPONDENCE**

The Board reviewed a letter from Academy di Firenze regarding approving the change in the curriculum and letting NACCAS know about the changes.

Ms. Cory suggested that Ms. Florence participate on the School and Crossover Hours subcommittee, and recommended the Board, after the June 4 meeting, send out a letter letting everyone know what they need to do before July 1.

The Board discussed the formation of the new Board as of July 1.

## **ADJOURNMENT**

Ms. High made a motion to adjourn the meeting at 9:06 am MDT. It was seconded by Ms. Cleland. Motion carried.

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Debra J Thompson, Chair

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Merrilyn Cleland

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Geneal Thompson

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Linda Swope

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Wendy S Rucker

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Lindy High

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Tana Cory, Bureau Chief